

Meeting Minutes
JOINT WEST CHARLOTTE STORMWATER UTILITY ADVISORY COMMITTEE
And ALL COMPRISED UNITS
March 21, 2013 – Special Meeting
10:00 a.m. – Murdock Administration Building, Conference Room B106

Attendees: Laren Armstrong, Henry Killion, Glynn Perkins, and Stanley Plizga

Absent: Scott Schermerhorn (excused)

County: Dan Gallagher, Alan Holbach, Judith Nothdurft, Joanne Vernon and Sandy Wright

Guests: Commissioner Doherty, Commissioner Truex, and Sign-in sheet attached

The meeting was called to order at 10:02 a.m. with a quorum present.

This was a special joint meeting to allow all of the MSBUs that make up the West Charlotte Stormwater Utility Unit the opportunity to discuss the responsibilities for maintenance of the stormwater drainage system within the Stormwater Unit. The Stormwater Unit is seeking input from the other Units to allow the stormwater maintenance process to operate more efficiently by clearly defining responsibilities of the Stormwater Unit and other MSBUs.

Discussion:

- Rotonda West S & D Backyard Drainage Ditches – the backyard drainage ditch/swales of several homes on Long Meadow Rd. that abut the property of the adjacent Golf Course were discussed. At one time, the County maintained this backyard drainage ditch/swale area. Water drains off the streets through a pipe into the backyard ditches and goes under the golf Course into a retention pond. The County cleaned out the drainage ditch/swale area in 2003, but the problem reoccurred four years later. The golf course also did trench and grading work to improve the drainage to the retention pond. The golf course also pays an assessment into the Rotonda West Street & Drainage MSBU. Back yards are disappearing with dirt eroding into the ditch. Currently, the water in back yards cannot drain out and is stagnant with insects and rats. The problem needs to be addressed. However, this problem is on the golf course private property and MSBU funds cannot be used for work on private property. Public Works has recently investigated and a possible solution would be piping the area. There are two or three places like this that need to be addressed including Long Meadow Rd. and Oakland Hills Rd. A letter written in 2007 by the Public Works Director (at that time) with an offer for the County to split the initial drainage maintenance costs with the golf course was also discussed. These backyard drainage ditches/swales are not part of the Rotonda West Greenbelt System.
- Rotonda West S & D - Easement at Back Property Line – Mr. Gallagher, Assistant County Attorney, stated in 1999 the County accepted the easements around the golf courses in that area. In 2005, the easements were released back to the sub divisions as stated in the June 28, 2005 BCC Agenda attachments and as follows:
 1. *The lack of proper grades being installed during original construction by the land owner*
 2. *The lack of regular maintenance mowing by the land owner as is performed by the owners along the road swale*
 3. *Constraints placed on staff by the land owner to avoid maintenance during business hours, when members are golfing, and*
 4. *No other subdivision within the circle of Rotonda receives like benefits*

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Additionally, Mr. Gallagher explained there is a two part legal test that must be met to make sure the MSBU assessments are valid. One test is that the assessment and work must provide a direct special benefit to the property. The other test is the assessments must be fairly apportioned among all the people receiving the benefits. The Public Works Director at the time did not feel the work done around the golf courses passed both parts of the test, as it benefited the immediate properties, but did not benefit the rest of the properties throughout the unit.

The West Charlotte Stormwater Utility was formed prior to any of the Rotonda Units. The Stormwater Unit's Ordinance was written in 1991 and amended in 1998. It was designed to cover a large area and to address large stormwater management issues and compliance with the Clean Water Act.

- Primary Drainage Ditch Map - Ms. Vernon, the Assistant county Engineer displayed the updated West Charlotte County Primary Drainage Ditch Map. Stormwater maintenance of these primary ditches is funded by the West Charlotte Stormwater Unit. Ms. Vernon noted that there are two separate issues that must be addressed. One issue is defining the responsibilities of the Street & Drainage MSBUs and the West Charlotte Stormwater Unit. The second issue is that the County cannot expend public funding to work on private property. If the golf course easements were returned to the County, the County could possibly conduct the drainage maintenance work.
- Englewood East Street & Drainage – No stormwater drainage concerns.
- Gardens of Gulf Cove Street & Drainage – No stormwater drainage concerns.
- Gulf Cove Street & Drainage – The chair stated he will have to think about this further. After listening to these discussions, they may have funded items that should have been funded by the Stormwater Unit.
- South Gulf Cove Street & Drainage – questions were asked on what waterways and what functions are covered by the West Charlotte Stormwater. Ms. Vernon noted that the Santa Cruz Waterway will be added to the Primary Drainage Ditch Map and clarified that canals were not previously included on the drainage map.
- South Gulf Cove Waterway – the unit was formed in 1991 and has funded several of the stormwater related management services such as Lock maintenance, water quality testing and carp placement rather than the West Charlotte Stormwater Unit. The committee is content funding their own projects and is not looking for funding from the Stormwater Unit.

There was discussion regarding water quality testing and locks that are not maintained by the Stormwater Unit. Commissioner Doherty stated the South Gulf Cove lock was installed as a water quality barrier between internal Canal system and Charlotte Harbor so that the canals would not adversely impact the harbor.

- Consistency of services and the possible reimbursement for certain services from the West Charlotte Stormwater Unit to the Street & Drainage Units was discussed by Commissioner Truex and others.

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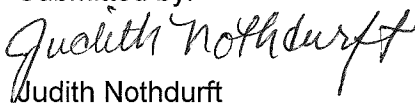
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- West Charlotte Stormwater Utility Unit - was dormant for four years. The committee has become active again and is trying to address issues and provide clarity. The Advisory Committee can only make recommendations; the Board of County Commissioners is responsible for making the final decisions.
- Janet Eick Class Action Lawsuit - Mr. Gallagher explained the class action law suit was filed in 1995 against Cape Cave Corp. The class consisted of the property owners who purchased property in the Rotonda area from 1969 – 1994. Cape Cave Corp. was sued because they promised that roads and golf courses would be constructed, but this was never done or not done to the satisfaction of the property owners. The County was not a party to the Lawsuit. Cape Cave tried to say the County was at fault because the County signed off on the plats and were therefore responsible for accepting the roads. The County must approve and sign off on all plats, but that does not automatically make the County responsible to accept the dedication of roads. A dedication must be done as a separate action. The referenced "Eick Agreement" is a Notice of a Class Action Proposed Settlement issued in May of 1996 and was scheduled for a Final Hearing in August 1996. Prior to the law suit being settled, the County adopted a resolution to accept the roads in Rotonda on two conditions: 1) nine Rotonda MSBUs would be created and 2) the Cape Cove Corp. would pay the County \$1.6 million to construct the roads or bring the roads up to standards. The settlement was accepted and the nine Rotonda MSBUS were created on March 25, 1997. The settlement references formal acceptance by the County of responsibility for the repair, drainage, and maintenance of the streets, bridges and related drainage systems within the Rotonda area. Mr. Gallagher defined this reference as drainage systems as they relate to the streets.
- Update of MSBU Ordinances - the review and update of the Ordinances for West Charlotte Stormwater Unit and the comprised MSBUs were discussed. Ms. Vernon presented a draft of the new proposed purpose statement for the Stormwater Unit. It includes water quality monitoring and carp placement. A copy of the proposed purpose statement is attached. The Grove City Street & Drainage MSBU requested that the public to be able to view the ordinances before they are voted on.
- West County Stormwater Master Plan – Ms. Vernon stated there is no overall West County Stormwater Master Plan and there are no plans at this time to develop one. A Cooperative Agreement could be applied for regarding this purpose. There is an inventory of primary drainage structures and drainage plans for the MSBUs. However, there is not a model for the entire West County Stormwater system. Commissioner Doherty conveyed that 30 years ago, the South Gulf Cove Re-design was put together by General Development Corporation using a 1970s model illustrating the drainage system integration of the area. The Stormwater Unit agrees that there should be an updated master plan in place and is concerned about the ramifications of not having one in the event of a major storm.
- The Stormwater Unit would like to schedule a joint meeting once a year.
- There were many expressions of thanks to all of the members that participated in this meeting. Their participation is what makes meetings like this successful.

The meeting was adjourned at 11:30 a.m.

Submitted by:



Judith Nothdurft
Public Works Department

**CHARLOTTE COUNTY
PUBLIC WORKS DIVISION**

**WEST CHARLOTTE STORMWATER UTILITY JOINT MEETING
ATTENDANCE ROSTER**

MEETING DATE: Thursday, March 21, 2013

MEETING TIME: 3:00 P.M. – Building Construction Services Conference Room

**INFORMATION SUPPLIED ON THIS FORM BECOMES
PUBLIC RECORD**

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WEST CHARLOTTE STORMWATER UTILITY JOINT MEETING ATTENDANCE ROSTER

MEETING TIME: 3:00 P.M. – Building Construction Services Conference Room

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